

REMARKS

Claim Changes

Claim 1 is amended to incorporate the subject matter of claim 3; claim 3 is canceled.
Claim 8 is amended to incorporate the subject matter of claim 11; claim 11 is canceled.

No amendment made is related to the statutory requirements of patentability unless expressly stated herein. No amendment is made for the purpose of narrowing the scope of any claim, unless Applicant had argued herein that such amendment is made to distinguish over a particular reference or combination of references. Any remarks made herein with respect to a given claim or amendment is intended only in the context of that specific claim or amendment, and should not be applied to other claims, amendments, or aspects of Applicant's invention

Rejection of Claims 1-4, 6-12, and 14-15 under 35 U.S.C. § 103(a) as being unpatentable over US 5,550,863 (Yurt) in view of US 2002/0059621 (Thomas)

Applicant respectfully traverses in part and amends in part. Applicant has amended independent claims 1 and 8 to clarify the invention. Applicant therefore respectfully requests reconsideration of the rejection of claims 1-4, 6-12, and 14-15 under 35 U.S.C. § 103(a) as being unpatentable over Yurt in view of Thomas as herein amended.

Applicant respectfully submits that the combination of Yurt and Thomas does not teach or suggest all the claim limitations as set forth in independent claims 1 and 8, as amended. For example, independent claim 1 is amended to incorporate the subject matter of claim 3 as “*designating as part of a hierarchy, a control ranking to each of said first and second reproduction devices; and during control conflicts, allowing the reproduction device attempting to control playback having the highest control ranking, to control the reproduction of said selected program*” and independent claim 8 is amended to incorporate the subject matter of claim 11 as “*wherein each of said first and second reproduction devices are designated to have, as part of a hierarchy, a control ranking, and during control conflicts, the reproduction device attempting to control playback having the highest control ranking, controls the reproduction of said selected program*” which are not taught or suggested in the combination of Yurt and Thomas.

Yurt is directed towards a system of distributing video and/or audio information that employs digital signal processing to achieve high rates of data compression. In operation, the compressed and encoded audio and/or video information is sent over standard telephone, cable or satellite broadcast channels to subscriber's receiver, for later playback. (Yurt, Abstract)

Thomas discloses a system that allows a user to access his/her on-demand media account from user equipment in different locations as long as the current user equipment can communicate with a remote server that stores user-specific information. Thomas's system has a relocate feature that may allow a user to freeze on-demand media delivery on one user equipment and resume delivery and viewing from other user equipment. (Thomas, Abstract)

The Office Action on page 6, item 3 states that in regard to claim 3, Thomas discloses “*designating as part of a hierarchy, a control ranking to each of said first and second reproduction devices; and during control conflicts, allowing the reproduction device attempting to control playback having the highest control ranking, to control the reproduction of said selected program.*” Applicant respectfully disagrees with this statement. The Office Action specifically refers to paragraphs [0101]-[0112] as disclosing the above claimed feature. However, Applicant reviewed the cited passages carefully and cannot find a citation to Thomas that describes Applicant's claimed feature of designating control ranking to reproduction devices or allowing the reproduction device having the highest control ranking to control the reproduction of the selected program. Thomas, in paragraph [0112] at best discloses that a user equipment may selectively or automatically be configured to match or use some or all of the user's remotely stored preferences. However, Thomas nowhere teaches or suggests that such user preferences also involve designating control rankings to each of reproduction devices associated with the user. In fact, the user preferences, as suggested in paragraphs [0112] of Thomas, are all related to control of the media content like volume setting, favorite channels, but not related to designating control ranking to each one of the user equipments associated with Thomas's user. So, Thomas's user preferences cannot be considered to read on Applicant's claimed feature of designating as part of a hierarchy, a control ranking to each of said first and second reproduction devices.

Further, the Office Action appears to equate Applicant's feature of allowing the reproduction device attempting to control playback having the highest control ranking, to control the reproduction of said selected program, during control conflicts to Thomas's feature of

identifying administrative of that user, which the Examiner states as being equivalent to highest ranking user. However, the access rights and administrative account information discussed in paragraphs [0101] through [0112] are not dependent on user equipments, rather the access rights and administrative account information are specific to a user, irrespective of which user equipment the user is able to login. Further, Thomas's aspects related to administrative account information merely suggests that an administrator of a particular account controls the users to be added or deleted from the account, and specify restriction of access to one or more users added to a single account, but Thomas does not teach or suggest how a conflict is resolved in Thomas's system or which user equipments associated with a user is provided control of the playback during such conflicts.

Thus the combination of Yurt and Thomas fails to teach or suggest, either singly or in combination “*designating as part of a hierarchy, a control ranking to each of said first and second reproduction devices; and during control conflicts, allowing the reproduction device attempting to control playback having the highest control ranking, to control the reproduction of said selected program*” as recited in independent claim 1, as amended or “*wherein each of said first and second reproduction devices are designated to have, as part of a hierarchy, a control ranking, and during control conflicts, the reproduction device attempting to control playback having the highest control ranking, controls the reproduction of said selected program*” as recited in independent claim 8, as amended.

For the above reasons, Applicant submits that claims 1 and 8 are not obvious in view of the combination of Thomas and Yurt, and therefore that the rejection of claims 1 and 8 under 35 USC 103(a) should be withdrawn. Applicant requests that claims 1 and 8 may now be passed to allowance.

Claims 2, 4, 6, and 7 depend from, and include all the limitations of independent claim 1, as amended. Claim 9, 10, 12, 14, and 15 depend from, and include all the limitations of independent claim 8. Claims 3 and 11 are cancelled. Therefore, Applicant respectfully requests withdrawal of the rejection of claims 1-4, 6-12, and 14-15 under 35 USC 103(a).

Conclusion

Applicant has reviewed the other references of record and believes that Applicant's claimed invention is patentably distinct and nonobvious over each reference taken alone or in

combination. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Such action is earnestly solicited by the Applicant. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact the Applicant's attorney or agent at the telephone number indicated below.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

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Respectfully submitted,

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